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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,716	11/03/2003	Robert J. Simmons	J-BSIM.1007	3534

7590 04/13/2005

ROBERT D. VARITZ, P.C.
2007 S.E. Grant Street
Portland, OR 97201

EXAMINER

SPAHN, GAY

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,716	Applicant(s) SIMMONS, ROBERT J.	
	Examiner Gay Ann Spahn	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003 and 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/03 & 2/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed February 17, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed November 3, 2003 fails to fully comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language, namely French document no. 2 471 461 and German document no. 295 18 886. It has been placed in the application file, but some of the information referred to therein, more particularly, each patent listed that is not in the English language and does not include a concise explanation of the relevance thereof, namely French document no. 2 471 461 and German document no. 295 18 886, has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the

time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

The drawings are objected to because: (1) Figure 1 shows reference numeral "2" which is not discussed in the specification (it is believed that reference numeral "2" should be changed to reference numeral --21-- to represent the through-bores on planar expanse 10a of connector 10; (2) Figure 2 shows the bottom left-hand side weld connection 20 in the wrong place (in column 19 instead of in connector 16 as is it should be and as is shown in the left-hand corner of Figure 4); and (3) Figure 2 fails to show a weld connection 20 in the bottom right-hand corner of the figure in connector 10 (not labeled) as is shown in Figure 4, but instead shows long axis 10B (however, since long axis 10B of connector 10 is already shown in Figure 1, it is suggested that the weld connection be shown in Figure 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 7, line 14, there is a typographical error in the phrase "Figs. 2, 3, and 4,that" in that there should be a space between the comma punctuation mark and the word "that".

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: line 5, recites the "column having plural angularity intersecting generally planar faces", but the word "angularity" should be --angularly--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 6, recites "a said body" which is confusing because when a structural element is first introduced in a claim, it should be preceded by the article "a"

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or “an” and after the structural element has been introduced, it is preceded by the article “the” or “said.”

Claim 2, lines 16 and 17, recites “a tab”, but lines 10-11 already recites “a joined substantially planar tab” for each expanse. So are the tabs in lines 16 and 17 the same tabs as those in lines 10-11 or different tabs?

Claim 1, line 16 and claim 2, line 15, recite “a column corner”, but “a column corner” has already been introduced in claim 1, line 4, and claim 2, line 4, respectively. Is “a column corner” in line 16 of claim 1 and line 15 of claim 2, the same column corner as in line 4 of claim 1 and line 4 of claim 2, respectively, or a different one?

Claim 3, line 2, recites “a beam”, but “an elongate beam” has already been introduced in claim 2, line 22. Is “a beam” in line 2 of claim 3, the same or a different beam from the beam recited in claim 2, line 22.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cooley.

Cooley (Fig. 7) discloses a multi-angular load-conveying interface connector (9) for furnishing a connection between a horizontal, structural building-frame beam (1, 2) and an elongate, upright column (square in middle of Fig. 7) having plural angularity intersecting generally planar faces, with the planes of each of two adjacent faces

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intersecting at a corner characterized by a known angle, said connector structure (9) comprising:

an elongate body having a long axis, and adapted to be joined to the outside of such a column (square) with the body's said long axis substantially paralleling the column's long axis;

said body, when viewed along its long axis, having a generally W-shaped cross-section (see zig-zag shape of 9), including (a) an angular central portion defined by two generally planar expanses that intersect at an angle which is substantially the same as the mentioned known angle between adjacent faces in the column (square in middle of Fig. 7), thus to form a trough adapted to fit and be joined complementarily as a corner-wrap around a corner on the outside of the column (square in middle of Fig. 7), and in contact with a pair of next-adjacent column faces, and (b) a pair of spaced, generally planar tabs, each joined to, and intersecting at an angle with respect to, a different one of said expanses, adapted, with the body fitted on and around a corner in the column (square in middle of Fig. 7), to extend generally normally outwardly from the respective associated faces in the column (square in middle of Fig. 7).

Allowable Subject Matter

Claims 2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: there is no teaching of a plurality of generally W-shaped cross-section connectors being joined to the outside of a column so that fastening structure securing confronting spaced tabs of pairs of said connectors together acts to draw or deflect said confronting tabs elastically and resistedly towards each other to effectively diminish the effective spacing between the tabs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 2,182,593 to Levene discloses a somewhat W-shaped member (adjacent A4 and A5 in Fig. 3 and adjacent A5 in Fig. 4), but the member is not oriented against column corners. U.S. Patent No. 6,295,764 to Berridge et al. discloses a somewhat W-shaped member (250), but the member is not oriented at the corner of the column. U.S. Patent Application Publication No. 2002/0095888 to Winskye discloses a somewhat W-shaped member in Figure 26. U.S. Reissue Patent No. Re. 33,220 to Collier disclosed a somewhat W-shaped member (152) in Fig. 2. U.S. Patent No. 5,678,375 to Juola discloses a somewhat W-shaped member (5) in Fig. 3. U.S. Patent No. 3,327,438 to Cooper discloses a somewhat W-shaped member (17) in Fig. 4. U.S. Patent No. 1,135,721 to Robinson discloses somewhat of a W-shape in Fig. 3. U.S. Patent No. 4,545,793 to Shuler discloses a somewhat W-shaped member (18) in Figs. 3 and 4. U.S. Patent No. 5,291,716 to Broberg et al. discloses a somewhat W-shaped member (11) in Fig. 1. U.S. Patent No. 2,341,993 to Jennings discloses inwardly deflecting flanges 22 in Fig. 11. U.S. Patent No. 1,510,082 to Aarsrud

discloses a somewhat W-shaped member (13) in Fig. 7. U.S. Patent No. 5,960,598 discloses a somewhat W-shaped member (60) in Fig. 2. U.S. Patent Application Publication No. 2002/0088192 discloses a somewhat W-shaped member (20) in Fig. 4. U.S. Patent No. 6,112,472 to Van Dyk et al. discloses a somewhat W-shaped member (44, 44') in Fig. 21. U.S. Patent Application Publication No. 2002/0116894 to Reid discloses a somewhat W-shaped member (98) in Fig. 4. U.S. Patent Application Publication No. 2002/0145100 to Flathau discloses a somewhat W-shaped member (24) in Fig. 5. U.S. Patent Application Publication No. 2003/0182873 to Clasen et al. discloses a somewhat W-shaped member (172) in Fig. 11. U.S. Patent Application Publication No. to Peacey et al. discloses a somewhat W-shaped member (58) in Figs. 5 and 9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose current telephone number is (703)-605-1203 and whose future telephone number is (571)-272-7731 after March 31, 2005. The examiner can normally be reached on Monday through Thursday, 8:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can currently be reached at (703)-308-2978 or can be reached at (571)-272-7049 after March 31, 2005. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

^{GA}
Gay Ann Spahn, Patent Examiner
March 24, 2005



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600